

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

ADAM WYNN TINGLEY,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

3:14-cv-00592-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#3¹) entered on January 20, 2015, recommending granting plaintiff's application to proceed *in forma pauperis* (#1) and dismissing the complaint (#1-1) without prejudice, without leave to amend. Plaintiff filed his Objections to Magistrate Judges Report and Recommendation (#4) on February 5, 2015. Defendants have not been served. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#3) entered on January 20, 2015, should be adopted and accepted.

¹Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#3)
2 entered on January 20, 2015, is **adopted and accepted**, and plaintiff's application to proceed *in forma*
3 *pauperis* (#1) is **GRANTED**.

4 IT IS FURTHER ORDERED that this order granting *in forma pauperis* status does not extend
5 to the issuance of subpoenas at government expense.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall detach and **FILE** the complaint
7 (#1-1).

8 IT IS FURTHER ORDERED that plaintiff's complaint (#1-1) is **DISMISSED without**
9 **prejudice, without leave to amend**.

10 IT IS FURTHER ORDERED that the full filing fee remains due, pursuant to 28 U.S.C. § 1915.

11 IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Nevada Department
12 of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of
13 the preceding month's deposits to the account of Adam Wynn Tingley, **Inmate No. 80020** (in months
14 that the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk
15 of the Court shall send a copy of this order to the attention of the Chief of Inmate Services for the
16 Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

17 IT IS SO ORDERED.

18 DATED this 13th day of March, 2015.

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20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE
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